Chota Nagpur Tenancy (West Bengal Amendment) Act, 1961

CHOTA NAGPUR DIVISION
India

Chota Nagpur Tenancy (West Bengal Amendment) Act, 1961

Act 21 of 1961

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Chota Nagpur Tenancy (West Bengal Amendment) Act, 1961 1. Short title. 2. Application of the Act. 3. Amendment of section 3 of Bengal Act 6 of 1908. 4. Substitution of new section for section 46. 5. Omission of sections 48, 48A and 49. 6. Amendment of section 50. 7. Amendment of section 52. 8. Amendment of section 63B. 9. Amendment of section 258 10. Amendment of section 264.The Chota Nagpur Tenancy (West Bengal Amendment) Act, 1961West Bengal Act 21 of 1961WB229[27th October, 1961.]An Act to amend the Chota Nagpur Tenancy Act, 1908, in its application to West Bengal.Whereas it is expedient to amend the Chota Nagpur Tenancy Act, 1908, in its application to West Bengal, for the purposes and in the manner hereinafter appearing ;It is hereby enacted as follows :-

1. Short title. - This Act may be called the Chota Nagpur Tenancy (West Bengal Amendment) Act, 1961.

2. Application of the Act. - The Chota Nagpur Tenancy Act, 1908 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided.

3. Amendment of section 3 of Bengal Act 6 of 1908. - In the proviso to clause (i) of section 3 of the said Act, for the words "the year commencing from the first day of April shall be the agricultural year for the purposes of this Act.", the words "such year shall be the year commencing on the first day of Baisakhaccording to the Bengali calendar." shall be substituted.

4. Substitution of new section for section 46. - For section 46 of the said Act, the following sections shall be substituted, namely :-

"46. Transfer of their rights by raiyats. - (1) Subject to the provisions of section 46A the holding of a raiyat shall be transferable :Provided that no bhugut bandha mortgage of his holding by a raiyat for any period exceeding seven years, or the period of his own right, whichever is less, shall be valid.(2)Except in the case of a bequest, a transfer of his holding by a raiyat shall be made by a registered instrument.

46A. Restriction on alienation of land by the Kurmi (Mahato) community, scheduled tribes and scheduled castes. - (1) Except in the following cases, the transfer of his holding by a raiyatbelonging to the Kurmi (Mahato) community, a scheduled tribe or a scheduled caste shall be void :-

(a)a transfer to a person belonging to the community, tribe or caste, to which the transferor belongs,(b)a transfer to a person not belonging to the community, tribe or caste, to which the transferor belongs, when such transfer is made with the previous permission in writing of the Deputy Commissioner :Provided that the Deputy Commissioner shall not give such permission unless a purchaser belonging to the community, tribe or caste, to which the transferor belongs, who is willing to pay the market price for the land is not available and unless there are circumstances justifying such transfer.(2)The holding of a raiyat belonging to the Kurmi (Mahato) community, a scheduled tribe or a scheduled caste which is transferred in contravention of the provisions of clauses (a) and (b) of sub-section (1) shall stand forfeited,-(a)in the case where the State Government is the landlord, to the State Government ;(b)in the case where the State Government is not the landlord, to the landlord concerned :Provided that the land so forfeited, shall not be settled by the landlord with any person other than a person belonging to the Kurmi (Mahato) community, the scheduled tribes or the scheduled castes, as the the case may be, unless a person belonging to such community, tribes or castes willing to take settlement is not available.

46B. Validation of transfers made by raiyats. - Notwithstanding any restriction on the right of araiyat to transfer his holding prior to the commencement of the Chota Nagpur Tenancy (West Bengal Amendment) Act, 1961, no transfer by a raiyat made before such commencement shall be deemed to be, or ever to have been, invalid.".

5. Omission of sections 48, 48A and 49. - Sections 48, 48A and 49 of the said Act shall be omitted.

6. Amendment of section 50. - In sub-section (1) of section 50 of the said Act, for the words and figures "sections 46 and 47", the word and figures "section 47" shall be substituted.

7. Amendment of section 52. - To section 52 of the said Act, the following proviso shall be added, namely :-

"Provided that in the case of rent determined under the Bihar Land Reforms Act, 1950,-(i)the amount of rent payable for the period up to and including the agricultural year in which such determination takes place shall be paid in such instalments and by such dates as the State Government may direct, and(ii)the rent payable for any subsequent agricultural year shall be paid in four equal instalments falling due on the last date of each quarter of that year.".

8. Amendment of section 63B. - In section 63B of the said Act, the words and figures "or the land being alienated in contravention of the provisions contained in section 46," shall be omitted.

9. Amendment of section 258 - In section 258 of the said Act,-

(a)for the words and figures "section 46, sub-section (4)," the word, figures and letter "section 46A" shall be substituted; and(b)the word and figures "section 49," shall be omitted.

10. Amendment of section 264. - In clause (v) of sub-section (2) of section 264 of the said Act, the words and figures "section 46, sub-section (4)," shall be omitted.